



February 17, 2004 CPG  
March 10, 2004 BS

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

04SN0188

Goode Land Development Co.

Midlothian Magisterial District  
Northwest quadrant of Old Buckingham Road and Alverser Drive

**REQUEST:** Amend Conditional Use Planned Development (Case 00SN0188) relative to uses and size limitation for commercial uses. Specifically, a limited number of uses from the Community Business (C-2) District as well as retail wine and cheese sales and a restaurant are requested on Part of Tract B, as shown on the attached. The applicant also wishes to increase the total area permitted for commercial uses by 2,000 square feet, from 25,000 gross square feet to 27,000 gross square feet on Part of Tract B, as shown on the attached.

**PROPOSED LAND USE:**

In addition to uses currently permitted, the applicant is requesting to be allowed to develop commercial uses from the Community Business (C-2) District as well as a wine and cheese shop and a coffee shop with associated food sales (restaurant) (Proffered Condition 1). Approval of this request would also permit an additional 2,000 square feet of space for commercial uses. (Proffered Condition 2)

**PLANNING COMMISSION RECOMMENDATION**

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 4.

**STAFF RECOMMENDATION**

Recommend approval for the following reason:

*Providing a FIRST CHOICE Community Through Excellence in Public Service.*

While the Alverser/Old Buckingham Plan Amendment suggests the property is appropriate for office uses, the original zoning (Case 00SN0188), as amended, permits commercial uses within the project similar in intensity to the proposed uses in a manner which provides transition between the commercial corridor and existing and anticipated residential development to the west by limiting the intensity and location of the commercial uses.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

### PROFFERED CONDITIONS

- (STAFF/CPC)
1. Permitted uses shall include those uses permitted by right or with restrictions in the Corporate Office (O-2) District, plus those permitted by right or with restrictions in the Convenience Business (C-1) District, except that the following uses shall not be permitted:
    - a. Convenience store.
    - b. Grocery store.
    - c. Gasoline sales.
    - d. Funeral homes or mortuaries.
    - e. Messenger or telegraph services.
    - f. Post offices, limited to federal post offices.
    - g. Telephone exchanges.
    - h. Public or private parks, playgrounds, and/or athletic fields.
    - i. Public or private utility uses.
    - j. Coin operated dry-cleaning; pressing; laundry and Laundromat; not to include dry cleaning plants.
    - k. Nursery schools and child or adult daycare centers and kindergartens.
    - l. Motor vehicle accessory store.
    - m. Intercoms as an accessory to a permitted use.
    - n. Libraries.
    - o. Propagation and cultivation of crops, flowers, trees and shrubs which are not offered for sale.
    - p. Public and private forests, wildlife preserves and conservation areas.
    - q. Fire Stations.
    - r. Golf courses; and
    - s. Hospitals.

In addition, the following Neighborhood Business (C-2) uses shall be permitted:

- a. Antique shops, not to include pawnbrokers, indoor and outdoor flea markets and secondhand and consignment stores.
- b. Art schools, galleries or museums.
- c. Artists material and supply stores.
- d. Bicycle sales and rentals.
- e. Catering establishments as an accessory to restaurant only.
- f. Clothing stores.
- g. Communication studios, offices, and stations, exclusive of towers.
- h. Curio or gift shops.
- i. Eyewear sales and service.
- j. Furniture stores.
- k. Hobby stores.
- l. Locksmith operations.
- m. Medical facilities or clinics.
- n. Musical instrument stores.
- o. Office supply stores.
- p. Paint and wallpaper stores.
- q. Radio, television and other home entertainment, sales and services.
- r. Sporting goods sales.
- s. Retail wine and cheese sales.
- t. Restaurants, to include carry-out and non-traditional fast food restaurants, subject to the following provisions:
  - i) any carry-out or fast food restaurant shall have a minimum 35% of the gross square feet devoted to indoor patron seating not to exceed 1500 gross square feet;
  - ii) any restaurant shall have a maximum of 1500 gross square feet devoted to indoor patron seating;
  - iii) there shall be no drive-in window or curb service;
  - iv) consumption of foods or beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the building, except as stated herein, shall be prohibited and such prohibition shall be strictly enforced by the restaurant. This shall not preclude the restaurant from having outdoor seating provided the outdoor seating area is located directly adjacent to the restaurant; accessed through the restaurant only and not directly from outside and an area has been designed and constructed to specifically accommodate such seating.
  - v) any carry-out or fast food restaurant shall not be freestanding;

- vi) the restaurant shall not be open to the public between the hours of 11:00 p.m. and 6:30 a.m. (P)

(Note: This Proffered Condition supercedes Proffered Condition 8 of Case 00SN0188 for the subject property only. All other proffered conditions of Case 00SN0188 remain applicable.)

- (STAFF/CPC) 2. The total area of commercial uses, as permitted by Proffered Condition 1, shall not exceed 27,000 gross square feet, and no building shall exceed 15,000 gross square feet. (P)

(Note: This Proffered Condition supercedes Proffered Condition 9 of Case 00SN0188 for the subject property only. All other proffered conditions of Case 00SN0188 remain applicable.)

### GENERAL INFORMATION

#### Location:

North line of Old Buckingham Road and west line of Alverser Drive. Tax ID 739-710- 2628 (Sheet 6).

#### Existing Zoning:

O-2 with Conditional Use Planned Development

#### Size:

0.8 acres

#### Existing Land Use:

Vacant

#### Adjacent Zoning and Land Use:

North - O-2 with Conditional Use Planned Development; Office and Commercial  
South - R-MF and O-2 with Conditional Use Planned Development; Office and multi family residential  
East - C-2; Office and commercial  
West - O-2 with Conditional Use Planned Development; Office

## UTILITIES

### Public Water System:

Public water exists to serve the request site. Use of the public water system is required by Condition 14 of Case 00SN0188.

### Public Wastewater System:

Public wastewater exists to serve the request site. Use of the public wastewater system is required by Condition 14 of Case 00SN0188.

## ENVIRONMENTAL

### Drainage and Erosion:

This amendment will have no greater impact on drainage or erosion than the uses already approved.

## PUBLIC FACILITIES

### Fire Service:

The Midlothian Fire Station, Company Number 2, and Forest View Volunteer Rescue Squad currently provide fire protection and emergency medical service.

This amendment will have no greater impact on fire services than the uses already approved.

### Transportation:

The proposed amendments will have a minimal impact on the anticipated traffic generation from development of the property.

## LAND USE

### Comprehensive Plan:

The request site lies within the boundaries of the Alverser/Old Buckingham Plan Amendment which suggests the request property is appropriate for office uses.

In 1987, following several proposals for rezoning on portions and/or all of the request property, an amendment to the Northern Area Land Use and Transportation Plan was undertaken. The area encompassed by the Plan generally included the land area lying between Olde Coach Village to the north and west, Huguenot Road to the east and Route 60 to the south. The Alverser/Old Buckingham Plan Amendment was prompted by

neighborhood concerns regarding the possibility of commercial development along Old Buckingham Road near Alverser Drive. The Plan concluded that office uses would be a more appropriate transition between the residential and general business uses that exist in this area than extending commercial development.

#### Area Development Trends:

Properties to the east and southeast, along the Huguenot Road Corridor, are characterized by a mix of office and commercial zonings and land uses. Property to the north is occupied by a banking facility and office uses and to the west along Old Buckingham Road are characterized by office uses and residential uses. These residential properties have been developed for single family residences in Olde Coach Village and Bransford Subdivisions or remain vacant. The property to the south is characterized by residential multifamily units in Buckingham Woods Subdivision and by office uses.

Since adoption of the Plan, the area has experienced a tremendous amount of commercial growth through the expansion of the Chesterfield Towne Center and the development of projects such as Lowes, Hopps and Best Buy, north of the Towne Center. Some zoning actions in the area have occurred that are contrary to the Plan such as the commercial development to the east. The Plan designated this property for office use, however, commercial zoning and development was ultimately approved.

#### Zoning History:

On March 15, 2000, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved rezoning from Residential (R-7) and Corporate Office (O-2) to Corporate Office (O-2) with Conditional Use Planned Development to permit limited commercial uses (Case 00SN0188). It was the consensus of the Commission and Board that the proffered conditions would insure that the spirit and intent of the recommendations of the Plan would be met by providing for office uses adjacent to existing and future area residential uses and by limiting the intensity, hours and location of retail uses to insure that these retail uses would not adversely impact area residents.

#### Site Design:

With approval of this request, the uses would be subject to the proffered conditions of this case, the proffered conditions of the previous zoning (Case 00SN0188) and requirements of the Zoning Ordinance for development within a Corporate Office (O-2) District located in an Emerging Growth Area.

As part of the existing zoning (Case 00SN0188), a "Zoning Plan" was accepted, dividing the property into two (2) tracts, Tract A and Tract B. Tract A was limited to those uses permitted by right and with restrictions in the Corporate Office (O-2) District except that funeral homes or mortuaries; fire stations or rescue squads; hospitals; medical clinics; and veterinary offices were prohibited. In addition, one (1) bank/savings and loan association was permitted in

Tract A. Uses permitted in Tract B were restricted to those uses permitted by right and with restrictions in the Corporate Office (O-2) District plus those uses permitted by right and with restrictions in the Convenience Business (C-1) District except for convenience store, grocery store or gasoline sales. Further, if a restaurant were to locate on Tract B, the proffers required that the restaurant be located between the two (2) accesses shown to Alverser Drive on the "Zoning Plan".

An amendment to Case 00SN0188 was approved in October, 2002, which granted additional commercial uses within a portion of Tract B (Tract B-1 on attached) adjacent to the north of this request site (Case 02SN0258). The uses proposed by this request are similar in intensity to the uses permitted by Case 02SN0258 within a portion of Tract B-1.

#### Current Proposal:

The request property is now known as a part of Tract B. This proposed amendment to Proffered Condition 8 would allow, in addition to currently permitted uses, a limited number of Community Business (C-2) uses, to include retail wine and cheese sales and carry out and fast food restaurants part of Tract B (Proffered Condition 1). The proposed additional uses are similar in intensity to those already approved within the development.

In addition, approval of this request would allow an increase in the maximum square footage permitted for commercial uses by 2000 square feet (from 25,000 gross square feet to 27,000 gross square feet), however, individual building size would not exceed 1,500 gross square feet) which is the same as Case 00SN0188. (Proffered Condition 2)

#### Development Standards:

Currently, the property lies within an Emerging Growth District Area. The Zoning Ordinance specifically addresses access, landscaping, setbacks, parking, signs, buffers, utilities and screening for developments within these areas. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects. It should also be noted, some development requirements are governed by conditions of approval for Case 00SN0188. Approval of this request would not affect those requirements.

#### CONCLUSIONS

While the Alverser/Old Buckingham Plan Amendment suggests the request property and surrounding area is appropriate for office use, the majority of the development, of which the request property is a part, has already been approved for or developed with commercial uses similar in intensity to the proposed uses. Further, office uses have been established adjacent to the neighboring residential uses thereby providing the transition suggested by the Plan.

Given these considerations, approval of this request is recommended.

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## CASE HISTORY

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**Planning Commission Meeting (2/17/04):**

The applicant accepted the recommendation. There was no opposition present.

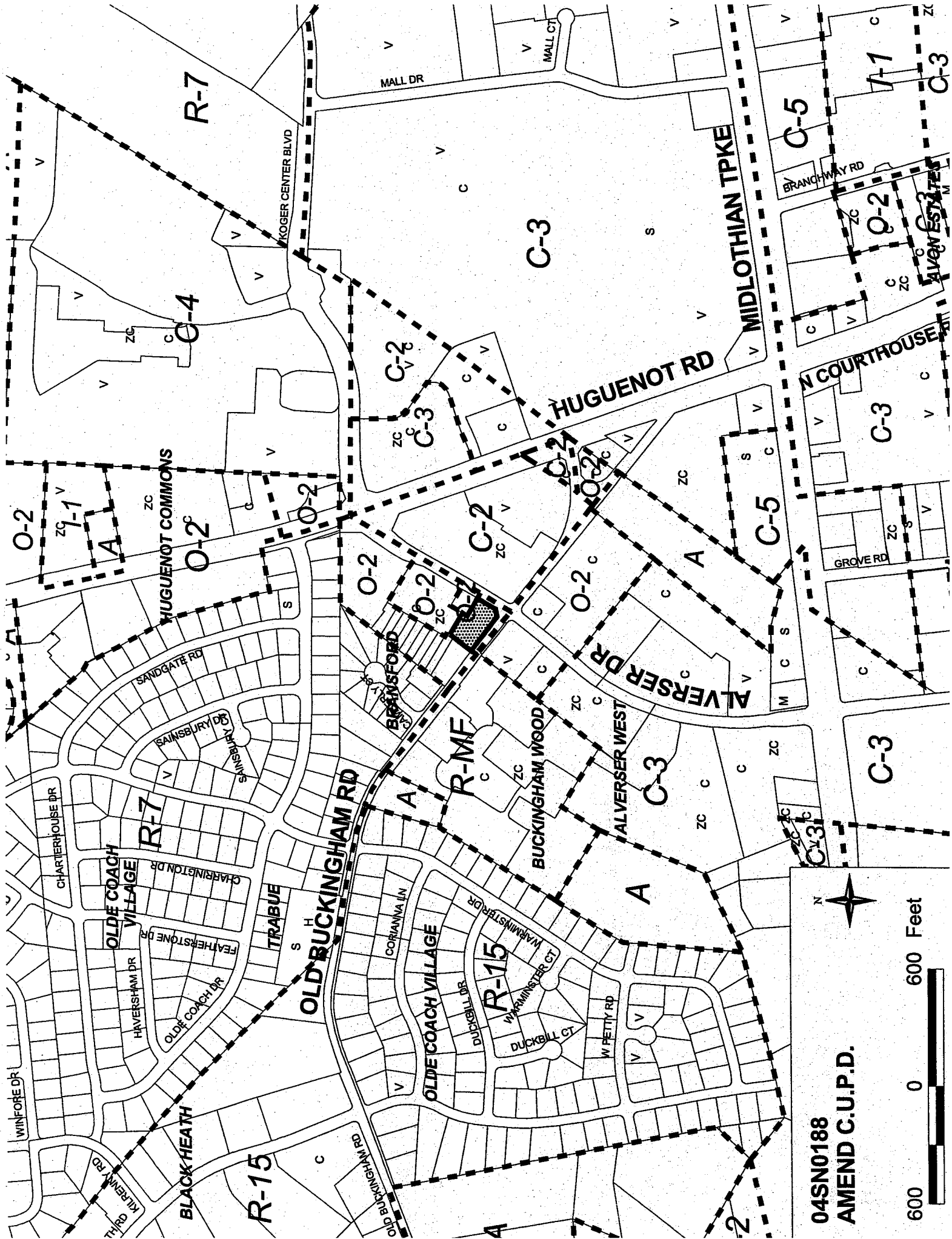
On motion of Mr. Gecker, seconded by Mr. Litton, the Commission recommended approval and acceptance of the proffered conditions on pages 2 through 4.

AYES: Unanimous.

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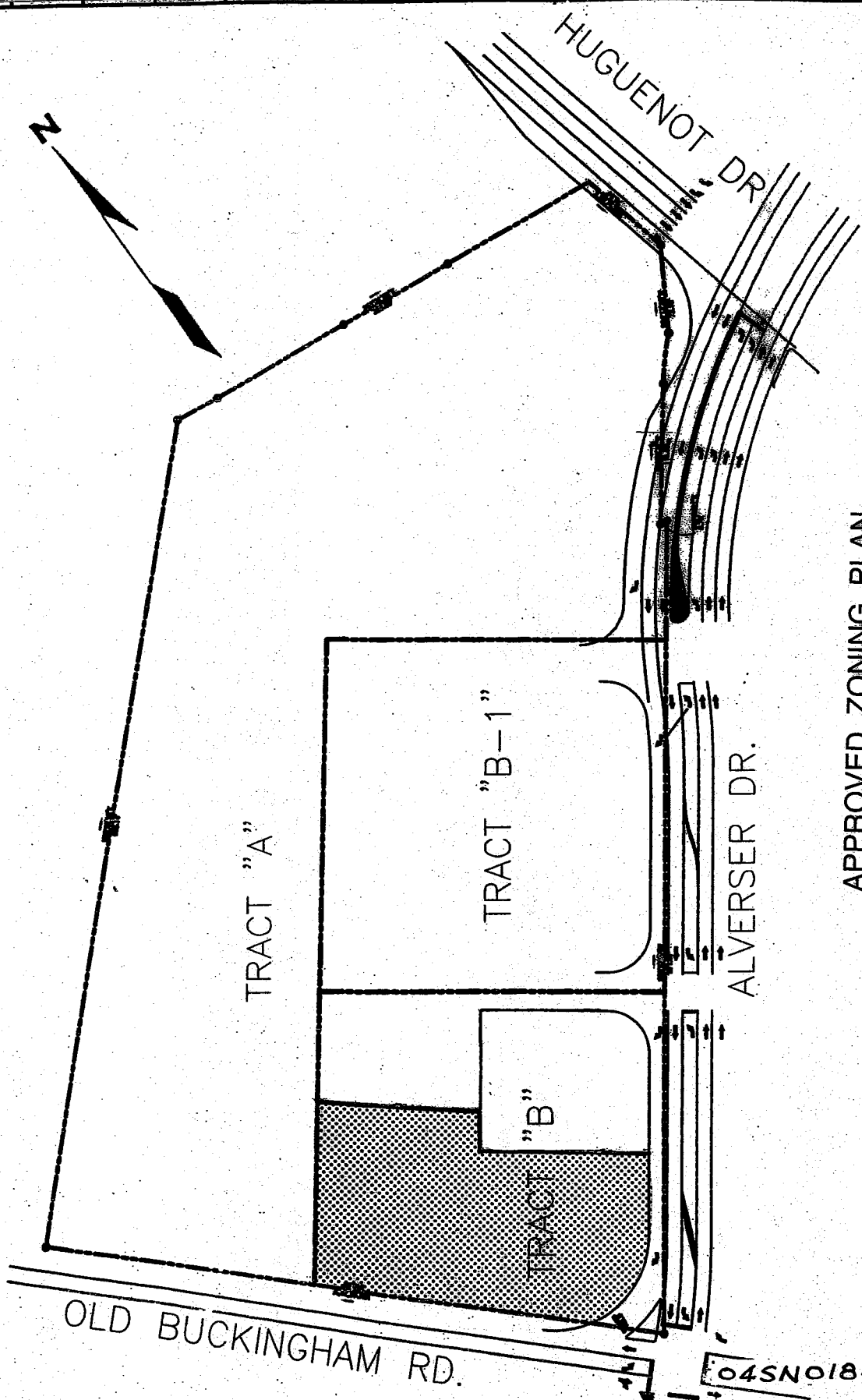
The Board of Supervisors, on Wednesday, March 10, 2004, beginning at 7:00 p.m., will take under consideration this request.





04SN0188  
AMEND C.U.P.D.

600 0 600 Feet



04SNO188-1

BAIRD

ARCHITECTS

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ALVERSER REZONING  
 THE ZONING PLAN  
 CHESTERFIELD COUNTY, VA

TOWN OF KOK  
 TOWN OF KOK  
 CHARTERED BY AMS  
 DATE 6-25-02  
 10/10/2002

SCALE: NTS  
 SHEET NO.

Z1

JOB NO.  
 C020001.00